

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
CIVIL ACTION NO. _____

JOHNNY PITT,

Plaintiff,

v.

FIRST TENNESSEE BANK NATIONAL
ASSOCIATION; and TRUST ATLANTIC
BANK,

Defendants.

COMPLAINT
(Jury Trial Demanded)

Plaintiff, complaining of the Defendants, alleges and says:

I. INTRODUCTION AND JURISDICTION

1. This is an action seeking damages as well as legal, equitable and declaratory relief under the Civil Rights Act of 1866, 42 U.S.C. §1981 ("Section 1981.") Plaintiff's claims arise from Defendants' violations under Section 1981, including discrimination based on his race.

2. Jurisdiction of the court is invoked pursuant to 28 U.S.C. §1434, this suit being a proceeding seeking to enforce rights and remedies secured in Section 1981. Jurisdiction is also conferred upon this court by §1331.

3. Jurisdiction of the court is invoked pursuant to 28 U.S.C. §§2201 and 2202, this being an action for declaratory judgment declaring illegal the acts of Defendants complained of herein, violating rights secured to Plaintiff by Section 1981.

II. PARTIES

4. Johnny Pitt is an African-American male who resides in Greenville, North Carolina, Pitt County.

5. Defendant TrustAtlantic Bank is a bank operating in the State of North Carolina.

6. Defendant First Tennessee Bank National Association is a bank operating in the State of North Carolina which merged with TrustAtlantic Bank in October, 2015,

III. FACTS

7. Plaintiff entered into a loan agreement with TrustAtlantic Bank (hereinafter referred to as "Bank") to obtain a mortgage on his home in 2011. In August of 2014, Plaintiff sought to obtain a loan to refinance the 2011 mortgage rate. He was interested in getting a loan at a reduced mortgage rate. He initially completed documentation, including a personal financial statement, on or about August 29, 2014, where he showed that his assets were substantially greater than his liabilities. He hand delivered the documents to the loan officer. He hoped to obtain a loan with an interest rate that was substantially lower than the interest rate which he previously had. He was aware of lower rates being advertised and offered by the Bank.

8. Plaintiff was not provided a loan at a reduced interest rate in the amount that he understood the Bank was offering to other customers. On September 26, 2014 Plaintiff was issued a loan. However, the loan rate that the Bank was willing to offer him was at 6% and he had to also pay separately the taxes and insurance. The Bank's failure to issue Plaintiff a loan with the lower interest rate greatly adversely affected his ability to maintain his business. As a result, Plaintiff suffered monetary damages and losses.

IV. CLAIMS FOR RELIEF

9. Plaintiff hereby incorporates Paragraphs 1 through 8 above.

10. Defendants discriminated against Plaintiff on the basis of his race when they did not treat him as they did similarly situated white customers whose applications for loans resulted in lower interest rates.

11. Defendants' actions constitute violations of Section 1981. Plaintiff has suffered economic and monetary damages as a result of Defendants' actions.

V. JURY TRIAL DEMAND

12. Plaintiff hereby demands a trial by jury.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays that the discrimination alleged herein be remedied in full and that the court, after a jury trial:

- a) Declare the actions complained of herein to be illegal;
- b) Issue an injunction enjoining the Defendants, their agents, employees, successors, attorneys and those acting in concert or participation with the Defendants and at their direction from engaging in the unlawful practices set forth herein;
- c) Award Plaintiff his costs and expenses in this action, including reasonable attorney's fees, costs and other litigation expenses; and
- d) Grant such other and further relief as may be just and necessary to afford complete relief to Plaintiff.

This 25th day of September, 2018.

/s/ Geraldine Sumter

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